IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 434 of 2005

Between:

N. Ganesh, S/o Sri Ramaiah,
Boodan Pochampalli, Nalgonda District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep. by its Secretary,
Panchayat Raj Department, Secretariat, Hyderabad.
2 The District Collector (PW), Nalgonda District, Nalgonda District.
3 Panchayat Officer, Nalgonda.
4 Sri G. Venkatesh, Upa Sarpanch, Boodan Pochampalli Gram Panchayat,
Boodan Pochampalli, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction and more particularly one in the nature of Writ of Mandamus declaring the impugned order of the District Collector,2nd Respondent herein, in Proc.No. 389/04-A/PTS) dated 12-1-2005 as illegal, arbitrary, mala fide, discriminatory, null and void; and consequently set aside the same and pass such other or further orders.

Counsel for the Petitioner : MR. J.SIDDAIAH

Counsel for the Respondents : GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.434 OF 2005

ORDER :

The petitioner was elected as Sarpanch of Boodan Pochampally Gram Panchayat in the year 2001.

This writ petition is filed questioning the order dated 12-1-2005 passed by the 2nd respondent – District Collector under Section 249(6) of The A.P. Panchayat Raj Act, 1994 (for short, 'the Act') suspending the petitioner for a period of three months with immediate effect. Though the petitioner raised various grounds assailing the said order and also alleged that the impugned order is politically motivated to help the fourth respondent who belong to the ruling Political Party, the learned Government Pleader appearing for the respondents 1 to 3 submits that against the impugned order an alternative remedy is available by way of Revision under Section 264 of the Act and without exhausting the alternative remedy, this writ petition cannot be maintained.

As can be seen from the affidavit filed in support of the writ petition, the petitioner has already preferred such Revision on 15-01-2005. However, the petitioner pleads that the Revisional Authority failed to consider the same and no orders have been passed so far in the application for stay and therefore he is constrained to file this writ petition.

Having regard to the facts and circumstances of the case and particularly keeping in

view that the petitioner has already availed the statutory remedy and the same is pending before the Revisional Authority, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction that the Revision Petition filed by the petitioner against the impugned order dated 12-01-2005 shall be disposed of as expeditiously as possible preferably within a period of six weeks from the date of receipt of this order. However, in view of the nature of the impugned order, I am of the opinion that unless the same is suspended till the disposal of such Revision Petition, the impugned order would work itself out. Hence, the balance of convenience is in favour of the petitioner and it is necessary in the interest of justice to suspend the impugned order during the pendency of the Revision Petition.

Accordingly, the Writ Petition is disposed of with a direction to the 1st respondent to dispose of the Revision Petition filed by the petitioner against the impugned order dated 12-01-2005 as expeditiously as possible preferably within a period of six weeks from the date of receipt of this order. Till the disposal of the Revision Petition, the impugned order shall remain suspended. No costs.

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02nd February, 2005.

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To

1 The Secretary, Government of Andhra Pradesh, Panchayat Raj Department, Secretariat, Hyderabad.
2 The District Collector (PW), Nalgonda District, Nalgonda District.
3 Panchayat Officer, Nalgonda.
4 Sri G. Venkatesh, Upa Sarpanch, Boodan Pochampalli Gram Panchayat, Boodan Pochampalli, Nalgonda District.

5. Two CCs to G.P. for Panchayat Raj & Rural Development, High Court of AP Bldgs, Hyderabad (OUT).

6. Two CD copies.